

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALSHAUN HICKS and  
BRYAN McCROY,

Defendants.

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8:08CR321

ORDER

This matter is before the court on the Motion to Continue Trial (Doc. 41) filed by defendant, Bryan McCroy. A plea hearing was set for November 24, 2008; however, Mr. McCroy subsequently requested that the case be returned to the trial docket. For good cause shown,

**IT IS ORDERED:**

1. The plea hearing now set for November 24, 2008 is cancelled as to defendant, Bryan McCroy.

2. This case is scheduled for a jury trial before Judge Smith Camp, to begin **Tuesday, December 16, 2008 at 8:30 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, as to all defendants. Because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

3. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by accommodating defendant's request to cancel the plea hearing and outweigh the interests of the public and the defendant in a speedy trial. The time arising as a result of the granting of the motion, i.e., the time between **November 24, 2008 and December 16, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED November 21, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**